
Public Utilities Commission of the State of California

Results of Public Agenda 3141

Meeting Held on Thursday, October 28, 2004 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, November 15, 2004 (San Francisco)	Friday, November 19, 2004 (San Francisco)
Monday, November 29, 2004 (San Francisco)	Thursday, December 02, 2004 (San Francisco)
Monday, December 13, 2004 (San Francisco)	Thursday, December 16, 2004 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Re 34:

Lisa Briggs, San Diego County Taxpayers Assn., San Diego, CA
Lori Holt Pfeiler, Mayor, Escondido, CA

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

1

A99-12-025 - Valencia Water Company.

[3736]

For approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999. This decision awards The Angeles Chapter of Sierra Club \$4,074.18 for its contribution to D01-11-048 and D03-10-063. This proceeding is closed.

(Comr Brown - ALJ Patrick)

Agenda 3137, Item 23 8/19/2004 (Staff);

Agenda 3138, Item 7 9/2/2004 (Staff);

Agenda 3139, Item 3 9/23/2004 (Staff)

Outcome Held (11/19/04, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

2

Res ALJ 176-3141

[3868]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

3

[3824]

R98-07-038 - Rulemaking for purposes of revising General Order 96-A regarding informal filings at the Commission.

This interim decision adopts rules revisions that will eventually be codified in General Order 96-B and that concern advice letter filing, service, and suspension.

(Comr Kennedy - ALJ Kotz)

Agenda 3139, Item 7 9/23/2004 (Staff);

Agenda 3140, Item 4 10/7/2004 (Staff)

Outcome Held (11/19/04, Consent Agenda. Further deliberation.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

4

[3904]

I04-04-002 - In the Matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Stanley King Chee Wong and Xiu Ping Cui, a partnership doing business as K & T Moving Co. and KW Moving, K & T Moving/K.W. Moving Inc., a California corporation, its Agent for Service of Process Stanley King Chee Wong, and ABC Moving, Inc., a California corporation, its President Su Fen Wu and its Manager Stanley King Chee Wong.

This decision denies two respondents' pending applications for household goods carrier permits and imposes a fine of \$2,000 on certain respondents. This proceeding is closed.

(Comr Brown - ALJ Bushey)

Outcome Held (11/19/04, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

5

[3913]

A04-01-016 - Pacific Gas and Electric Company (PG&E).

This decision grants PG&E authority under Public Utilities Code Section 851 to grant an easement to Sunrise Power Company, LLC for interconnection facilities. This proceeding is closed.

(Comr Peevey - ALJ Walwyn)

Agenda 3140, Item 13 10/7/2004 (Lynch)

Outcome Signed (Comr. Lynch reserves the right to file a dissent. Comr. Wood reserves the right to file a dissent.)

D04-10-018

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

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- 6**
[3914] **A02-05-004 - Southern California Edison Company (SCE).**
For authority to, among other things, increase its authorized revenues for electric service in 2003, and to reflect that increase in rates. I02-06-002 - Related matters. This decision grants The Utility Reform Network's Petition for Modification of D04-07-022, which resolved Phase 1 of SCE's Test Year 2003 general rate case.
(Comr Wood - ALJ Wetzell)
Outcome Signed
D04-10-019
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 7**
[3922] **Res T-16877 - Universal Lifeline Telephone Service (ULTS).**
This resolution adopts a recast ULTS Administrative Committee Fund expense budget of \$251.619 million for fiscal year 2004-05 and a proposed ULTS Administrative Committee Fund expense budget of \$271.769 million for fiscal year 2005-06.
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 8**
[3923] **Res T-16876**
This resolution adopts an expense budget for fiscal year 2005-06 of \$42.598 million for the California High Cost Fund-A Administrative Committee Fund.
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 9**
[3924] **Res T-16881 - SBC California (SBC).**
This resolution authorizes SBC to grandfather custom calling services in Schedule Cal. P.U.C. Nos. A5, Exchange Service; D7, Inside Wire Repair Services; and 175-T, Access Services. (Advice Letter No. 25383, filed August 20, 2004)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
-

10 (Rev.) **C03-09-004 - California Building Industry Association (CBIA) vs. San Diego Gas & Electric Company (SDG&E).**
[3926]

This decision denies the complaint of CBIA that SDG&E be required to seek prior Commission approval before updating cost factors and underlying assumptions used by SDG&E to prepare project-specific line extension estimates. This proceeding is closed.

(Comr Kennedy - ALJ Patrick)

10/28/2004 - This revision was not shown on the Agenda mailed to the public.

Outcome Held (11/19/04, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

11 **Res. T-16883**
[3930]

This resolution adopts an expense budget of \$448.457 million for Fiscal Year 2005-06 for the California High Cost Fund-B Administrative Committee Fund.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

12 **R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**
[3933]

This decision grants a joint petition to modify D03-04-029 filed by Pacific Gas and Electric Company and San Diego Gas & Electric Company and a separate request by California Department of Water Resources for a modification to D03-04-029.

(Comr Peevey - ALJ Halligan)

Outcome Signed

D04-10-020

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

13

[3934]

A04-07-023 - Global Connection Inc. of America (Applicant).

This decision grants Applicant a certificate of public convenience and necessity to provide resold and limited facilities-based local exchange and interexchange telecommunications services within California. This proceeding is closed.

(Comr Kennedy - ALJ Galvin)

Outcome Signed

D04-10-021

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

14

[3939]

A04-07-041 - Southern California Edison Company (SCE).

SCE seeks expedited approval by the Commission of a settlement agreement resolving complex litigation arising out of SCE's power purchase agreement with SGF, Ltd. (SGF), the owner of a wind-power qualifying facility in the Palm Springs area.

The settlement resolves two years of litigation and negotiations, including mediation before a neutral mediator and a court-supervised settlement conference.

According to SCE, the settlement agreement resolves all of SGF's pending claims, provides substantial ratepayer benefits, and avoids the expense and risk of continued litigation.

The application is unopposed. The application is granted. This proceeding is closed.

(Comr Brown - ALJ Walker)

Outcome Signed (Comr. Lynch reserves the right to file a dissent. Comr. Wood will file a dissent.)

D04-10-022

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

15

[3940]

Res T-16872

This resolution revokes, at the request of the companies, the certificates of public convenience and necessity of the following 37 telecommunications carriers:
CPCN #(U)-5056 Cable & Wireless USA, Inc.; U-5229 Affinity Network Inc.; U-5275 Trans National Communications; U-5312 ABCO Communications, Inc.; U-5323 AWN Message Corp.; U-5364 Business Discount Plan, Inc.; U-5376 RSL Com USA, Inc.; U-5484 T-Netix, Inc.; U-5561 Long Distance Charges, Inc.; U-5586 Time Warner Connect; U-5671 Lightyear Telecommunications, LLC; U-5724 I-Link Communications, Inc.; U-5754 Intelesys Communications Services, Inc.; U-5838 Premysis; U-6019 New York Telcorp; U-6056 Wholesale Telecom, Inc.; U-6061 Big Planet; U-6070 Samsung Data Systems America, Inc.; U-6137 Glyphics Communications, Inc.; U-6201 Ideas For Business; U-6248 Adelphia Business Solutions Operations; U-6249 PF.Net Network Services Corp.; U-6275 Avista Communications; U-6370 Touch America, Inc.; U-6454 Verizon Advanced Data, Inc.; U-6459 Starfone Corp.; U-6507 Maxtel USA, Inc.; U-6519 El Paso Networks, LLC; U-6522 Arbos Communications Licensing Company; U-6551 Viva Telecom, LLC; U-6564 San Diego Communications, LLC; U-6596 Resort Network Services, LLC; U-6602 Eight 9 Line, LLC; U-6620 Calpoint (California), LLC; U-6662 El Paso Global Networks Company; U-6803 Mountain Telecommunications, Inc.; U-6828 Sirius Telecommunications, Inc.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

16

[3947]

A04-03-027 - North County Transit District (NCTD).

This decision grants NCTD's request to construct the San Marcos Civic Center Pedestrian Underpass grade-separated pedestrian-rail crossing in San Marcos, San Diego County.

This proceeding is closed.

(Exam Clark)

Outcome Signed

D04-10-023

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

17

[3948]

A04-07-036 - City of Santa Ana.

This decision grants City of Santa Ana's request to construct the Santa Ana Transportation Center Overhead Pedestrian Crossing grade-separated pedestrian-rail crossing, to remove two at-grade pedestrian-rail crossings, and to convert two other at-grade pedestrian-rail crossings to at-grade crossings for only Amtrak baggage carts over Southern California Regional Rail Authority's Orange Subdivision tracks in Santa Ana, Orange County.

This proceeding is closed.

(Exam Clark)

Outcome Signed

D04-10-024

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

18

[3949]

(ECP) C04-01-032 - Shoni Johnson (and others similarly situated in the San Antonio Valley) vs. Pacific Gas and Electric Company.

This decision denies the request of Shoni Johnson, et al., that the Commission reopen its Baseline Proceeding, R01-05-047, to allow the residents of the Community of San Antonio Valley to rezone the Valley from Baseline Territory X to Territory S.

This proceeding is closed.

(Comr Lynch - ALJ Patrick)

Outcome Signed

D04-10-025

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

19

[3950]

Res W-4503 - California-American Water Company (Cal-Am), Coronado, Felton, Los Angeles, Larkfield, Monterey, Sacramento, and Village Districts.

Resolution recording status of reserve account recovery filings and water revenue adjustment mechanism account. (Advice Letter (AL) 590-A, filed August 6, 2004, AL 591, filed October 10, 2003, AL 593, filed February 5, 2004, AL 594, filed February 6, 2004, AL 595, filed April 15, 2004, AL 596, filed April 14, 2004, AL 597, filed April 27, 2004, AL 598, filed April 28, 2004, AL 599, filed April 23, 2004, AL 600, filed April 28, 2004, and AL 601, filed April 29, 2004)

Outcome Held (11/19/04, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

20

[3951]

A04-08-010 - Pacific Gas and Electric Company (PG&E).

Pursuant to Pub. Util. Code § 851, this decision authorizes PG&E to grant an easement over PG&E fee property to the City of Santa Maria for the construction, public access and maintenance of a multi-use trail along the right-of-way of the Santa Maria Valley Railroad.

The concurrent motion for an expedited procedural schedule filed by PG&E is also granted, as set forth.

This proceeding is closed.

(Comr Kennedy - ALJ Koss)

Outcome Signed

D04-10-026

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

21

[3954]

(ECP) C04-06-026 - William F. Bailey vs. Pacific Bell Telephone Company dba SBC California.

In response to the complaint of William F. Bailey (Bailey), the Commission confirms that automatic dialing-announcing devices (ADAD) may be used for political campaign purposes provided the equipment is operated in conformance with Public Utilities Code Sections 2871-2876.

Regarding Bailey's complaint of nonconforming use by a political campaign, the Commission requires SBC California to contact the organization and provide education on proper ADAD procedures as required by its Tariff Rules.

The complaint is denied in part and granted in part, and this proceeding is closed.

(Comr Peevey - ALJ Patrick)

Outcome Signed

D04-10-027

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

22

[3957]

Res W-4504 - Alco Water Service (ALCO), Normco District (NORMCO) and Moss Landing District (MLD).

This resolution authorizes ALCO, Normco District and Moss Landing District a surcharge to recover an increase in water testing costs producing an increase in annual revenue for NORMCO of \$31,396.53 or 12.87% and for MLD of \$18,470.31 or 16.4%.

(Advice Letter 98, filed May 4, 2004)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

23

[3958]

Res W-4505 - San Gabriel Valley Water Company (SGVW), Los Angeles County Division.

This resolution authorizes SGVW, Los Angeles County Division a temporary surcharge to recover net under-collections in its pumped water, purchased water, and purchased power balancing accounts, producing an annual increase in revenue of \$1,047,678 or 2.9% over 12 months.

(Advice Letter (AL) 326, filed April 1, 2004, supplemented by AL 326-A, filed September 3, 2004)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

24

[3960]

(ECP) C04-06-009 - Tom Horsley vs. Pacific Bell Telephone Company.

This decision denies the complaint of Tom Horsley requesting that Pacific Bell Telephone Company dba SBC California be required to change its method of calculating credits for surcharges and taxes on refunds to customers. This proceeding is closed.

(Comr Lynch - ALJ Patrick)

Outcome Signed

D04-10-028

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

25

[3962]

A04-08-028 - CUSA PCSTC, LLC (Applicant).

This decision authorizes Applicant to operate as a passenger stage corporation between points in Anaheim, Buena Park, and Garden Grove, on the one hand, and Los Angeles International and John Wayne Airports, on the other hand, and to establish a zone of rate freedom. This proceeding is closed.

(Exam Clark)

Outcome Signed

D04-10-029

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

26

[3963]

A04-10-009 - San Diego Gas & Electric Company (SDG&E).

In this decision, the Commission considers whether to grant the expedited, ex parte Application of SDG&E for approval to enter into a Lease Agreement with Ramco Generating One, Inc. (Ramco) for the construction by Ramco of a 46MW combustion turbine on a portion of real property owned by SDG&E in the Miramar area of San Diego, California, under Pub. Util. Code § 851.

(Comr Peevey - ALJ Brown)

Outcome Signed (Comr. Lynch reserves the right to file a dissent. Comr. Wood will file a concurrence.)

D04-10-030

Yes: (Brown, Kennedy, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

27

[3967]

Res E-3899 - Pacific Gas and Electric Company (PG&E).

PG&E requests approval of an Agreement for Unmetered Electrical Service between PG&E and MetroFi, Inc. Approved as modified. (Advice Letter 2551-E, filed September 9, 2003)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

28

[3980]

R01-05-047 - Order Instituting Rulemaking on the Commission's own motion to determine whether baseline allowances for residential usage of gas and electricity should be revised.

This decision grants The Utility Reform Network \$147,217.03 as compensation for its substantial contributions to D02-04-026, D04-02-057, and D04-04-020.

(Comr Brown - ALJ TerKeurst)

Outcome Signed

D04-10-031

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

29

[3981]

R01-05-047 - Order Instituting Rulemaking on the Commission's own motion to determine whether baseline allowances for residential usage of gas and electricity should be revised.

This decision awards the Latino Issues Forum \$165,324.00 in compensation for its contribution to D03-01-037 and D04-02-057.

(Comr Brown - ALJ TerKeurst)

Outcome Signed

D04-10-032

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

30

[3982]

A02-07-050 - SBC Pacific Bell Telephone Company.

For authority to categorize local DA service as a Category III service. This decision grants intervenor compensation to The Utility Reform Network in the amount of \$54,615.25 and to the Greenlining Institute in the amount of \$41,400.55 for their contributions to D04-06-016. This proceeding is closed.

(Comr Lynch - ALJ Malcolm)

Outcome Signed

D04-10-033

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Energy Orders

31 A02-11-017 - Pacific Gas and Electric Company (PG&E).

[3431]

For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges to gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This interim decision addresses Storm and Reliability issues raised in PG&E's Test Year 2003 General Rate Case.

(Comr Peevey - ALJ Halligan)

Agenda 3133, Item 42 5/6/2004 (Wood);

Agenda 3134, Item 37 5/27/2004 (Wood);

Agenda 3136, Item 50 7/8/2004 (Brown);

Agenda 3137, Item 65 8/19/2004 (Kennedy);

Agenda 3139, Item 36 9/23/2004 (Kennedy)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

31a

[3697]

ALTERNATE TO ITEM 3431

I03-01-012, A02-09-005 - Related matters. This alternate differs from the proposed decision in only one respect. It approves, with modifications, the Joint Proposal by PG&E/CUE for a reliability performance incentive mechanism.

(Comr Wood)

Agenda 3136, Item 50a 7/8/2004 (Brown);

Agenda 3137, Item 65a 8/19/2004 (Kennedy);

Agenda 3139, Item 36a 9/23/2004 (Kennedy)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

31b

[3971]

ALTERNATE TO ITEM 3431

I03-01-012, A02-09-005 - Related matters. This alternate decision differs from the ALJ's proposed decision in that it adopts, with modifications, the PG&E/CUE Joint Proposal for a reliability performance incentive mechanism. Additionally, this alternate decision is similar to the alternate decision of Commissioner Wood, but differs in the following ways: adopts SAIDI targets of 165, 161, and 157 minutes per customer for 2005, 2006, and 2007 respectively; adopts SAIFI targets of 1.40, 1.33, and 1.24 interruptions per customer for 2005, 2006, and 2007 respectively; adopts deadbands for SAIDI of 10 minutes per year; adopts deadbands for SAIFI of .10 outages per year; and adopts livebands for SAIFI of .15 outages per year.

(Comr Kennedy)

Outcome Signed

D04-10-034

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

32

[3866]

R04-04-003 - Order Instituting Rulemaking to promote policy and program coordination and integration in electric utility resource planning.

This interim decision provides definition and clarification with respect to the policies for resource adequacy adopted in D04-01-050. Among other things, the Commission revisits the schedule for implementing the 15-17% planning reserve margin requirement adopted in D04-01-050 in light of new concerns about the reliability of California's electricity grid in the near term. This interim decision also addresses the next procedural steps that are required to ensure that a functioning regulatory program for resource adequacy is implemented during 2005.

(Comr Peevey - ALJ Wetzell)

Agenda 3140, Item 21 10/7/2004 (Brown)

Outcome Signed (Comr. Lynch will file a dissent. Comr. Wood will file a dissent.)

D04-10-035

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

32a

[3931]

ALTERNATE TO ITEM 3866

This alternate decision provides various different definitions and clarifications of the policies for resource adequacy adopted in D.04-01-050. It differs from the draft decision in areas of coincidence adjustments of load forecasting protocols, the basis for LSE load forecasts, contracts with liquidated damage provisions, and treatment of existing DWR contracts, among other things. It also determines that the schedule for implementing the 15-17% planning reserve margin requirement should remain January 1, 2008, consistent with the schedule adopted in D.04-01-050.

(Comr Lynch)

Agenda 3140, Item 21a 10/7/2004 (Brown)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

33

[3871]

A00-03-032 - Pacific Gas and Electric Company (PG&E).

This decision authorizes PG&E under Pub. Util. Code §851 to enter into an irrevocable lease, pursuant to the Optical Fiber Installation and Indefeasible Right to Use Agreement between PG&E and WilTel Communications, LLC. (WilTel), that would permit the installation and use of fiber optic facilities on PG&E's transmission towers, substations, rights-of-way, and other facilities. The granting of the application does not expand the authority previously granted to WilTel. WilTel is authorized to undertake only those activities on PG&E's property that are authorized by its certificate of public convenience and necessity. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

Agenda 3140, Item 22 10/7/2004 (Wood)

Outcome Signed (Comr. Lynch reserves the right to file a dissent.)

D04-10-036

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

34

[3899]

A00-11-038 - Southern California Edison Company.

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. The primary purpose of this decision is to adopt a cost allocation methodology that will be applied to the revenue requirement of the California Department of Water Resources for its power purchases in 2004 and beyond.

(Comr Brown, Comr Lynch - ALJ Allen)

Agenda 3139, Item 38 9/23/2004 (Brown);

Agenda 3140, Item 23 10/7/2004 (Wood)

Outcome Held (11/19/04. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

34a

[3900]

ALTERNATE TO ITEM 3899

A00-11-056, A00-10-028 - Related matters. This alternate uses the ALJ's proposed decision as a starting point, but reaches a different conclusion on the appropriate percentage unavoidable cost allocation to each utility. SDG&E is allocated a slightly lower percentage than under the ALJ's decision, with the remainder of the costs split between PG&E and SCE, in the manner to which they agreed in the Settlement Agreement.

(Comr Peevey)

Agenda 3139, Item 38a 9/23/2004 (Brown);

Agenda 3140, Item 23a 10/7/2004 (Wood)

Outcome Held (11/19/04. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

34b

[3905]

ALTERNATE TO ITEM 3899

A00-11-056, A00-10-028 - Related matters. This alternate decision adopts the same allocation methodology as the Proposed Decision. DWR's revenue requirement is the same in this alternate as in the Proposed Decision. The alternate decision departs from ALJ Allen's draft decision by describing the \$290 million in excess monies the Energy Division has identified DWR would overcollect given its current revenue requirement.

(Comr Lynch)

Agenda 3139, Item 38b 9/23/2004 (Brown);

Agenda 3140, Item 23b 10/7/2004 (Wood)

Outcome Held (11/19/04. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

34c

[3906]

ALTERNATE TO ITEM 3899

A00-11-056, A00-10-028 - Related matters. This alternate adopts a permanent allocation of the DWR revenue requirement by allocating the costs among utilities as follows: costs up to market level are allocated on a cost-follows-contracts basis, and above market costs are allocated on an equal cents per kilowatt-hour basis.

(Comr Brown)

Agenda 3139, Item 38c 9/23/2004 (Brown);

Agenda 3140, Item 23c 10/7/2004 (Wood)

Outcome Held (11/19/04. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

35 (Rev.)

[3925]

A04-05-041 - Pacific Gas and Electric Company (PG&E).

This opinion authorizes PG&E to issue \$500 million of short-term debt and \$1.538 billion of long-term debt and preferred stock. PG&E is denied authority to issue an additional \$662 million of long-term debt and preferred stock. This proceeding is closed.

(Comr Peevey - ALJ Kenney)

10/25/2004 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

D04-10-037

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (Lynch, Wood)

Absent: (none)

36

[3928]

R01-10-001 - Order Instituting Rulemaking to revise Commission General Order Numbers 95 and 128.

The Commission on October 2, 2001, issued this R01-10-001 to revise General Order (GO) 95 and GO 128, which govern, respectively, the construction of overhead and underground supply and communications systems. Commission staff, industry representatives, labor organizations and the public conducted 16 months of twice-monthly two- and three-day public workshops throughout California. A total of 63 proposed revisions to existing rules were considered. Of these, 40 revisions are supported by consensus of the workshop participants; 15 were withdrawn, and 8 are in dispute. This decision adopts the consensus changes as a settlement pursuant to Rules 51, et seq., of the Rules of Practice and Procedure, notes the withdrawn proposals, and discusses and resolves the 8 disputed change proposals. Additionally, the decision adopts a plan to provide for future Commission review of GO 95 and GO 128. This proceeding is closed.

(Comr Brown - ALJ Walker)

Outcome Held (12/2/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

37

[3929]

A03-10-022 - Southern California Edison Company (SCE).

This decision adopts a joint SCE and Office of Ratepayer Advocates (ORA) recommendation to reduce the Energy Resource Recovery Account by a net amount of \$3,574,000 to reconcile certain audit issues. In all other respects, the decision finds SCE's procurement related and other operations were reasonable for the record period September 1, 2001 through June 30, 2003. The decision also defines the scope and standard of review for least cost dispatch and orders SCE and ORA to implement a master data request process. This proceeding is closed.

(Comr Peevey - ALJ Fukutome)

Outcome Held (11/19/04. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

38

[3936]

A02-12-027 - Southern California Gas Company (SoCalGas).

A02-12-028, I03-03-016 - Related matters. This decision authorizes the base margin electric and gas revenue requirements for SoCalGas and San Diego Gas & Electric Company (SDG&E) in the consolidated applications for Test Year 2004 Cost of Service. The decision authorizes SoCalGas \$1,501 million in natural gas distribution revenues for Test Year 2004. The decision authorizes SDG&E \$776.097 million in electric distribution revenues and \$211.520 million in natural gas distribution revenues for Test Year 2004. It provides a reasonable level of revenue for monopoly distribution services that will in turn assure customers of safe, reliable and responsive service under conditions of prudent management, while also assuring the companies' opportunity to earn the authorized rate of return. This decision rejects proposed settlements for both applications.

(Comr Wood - ALJ Long)

Outcome Held (11/19/04. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

38a

[3937]

ALTERNATE TO ITEM 3936

A02-12-028, I03-03-016 - Related matters. This alternate decision also rejects proposed settlements for both applications, but would authorize a lower revenue requirement for each utility than the Proposed Decision. The differences from the Proposed Decision include different treatment of net salvage values, capitalization levels, incentive compensation, working cash, rate base and maturing workforce issues. The alternate adopts the agreement between the Greenlining Institute and the two utilities, which the Proposed Decision would reject. The alternate does not adopt the labor cost balancing account offered in the proposed decision and provides more detailed consideration of the merits of various labor forecasts.

(Comr Wood)

Outcome Held (11/19/04. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

39

[3938]

A04-06-018 - Pacific Gas and Electric Company (PG&E).

This decision grants PG&E's application to modify existing experimental economic development rate, otherwise known as Schedule ED in regard to Amy's Kitchen's requirements.

(Comr Wood - ALJ Barnett)

Outcome Held (12/2/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

39a

[3974]

ALTERNATE TO ITEM 3938

This decision denies Pacific Gas and Electric Company's (PG&E's) motion for an interim decision granting rate discounts (as proposed more broadly in this application) to Amy's Kitchen, a customer that is considering relocating or expanding its food manufacturing facilities outside of California. It finds that approval of this motion would prejudge the merits of PG&E's proposed discount structure prior to considering many significant issues related to implementation of the new structure, and further finds that in terms of many issues bearing specifically on the merits of providing discounts to Amy's Kitchen, the record is deficient to support approval.

(Comr Wood)

Outcome Held (12/2/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

40

[3978]

C04-08-011 - Eric Little vs. San Diego Gas & Electric Company.

This decision confirms the Assigned Commissioner and Administrative Law Judge's Ruling issuing Temporary Restraining Order, dated October 15, 2004.

(Comr Brown - ALJ Simon)

Outcome Held (11/19/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Energy Resolutions and Written Reports**41 Res E-3820 - Southern California Edison Company (SCE).**

[3935]

SCE requests authorization to close Schedule AL-1, Outdoor Area Lighting Service - Metered, to new customers as of October 31, 2002. This resolution approves SCE's request with modifications. (Advice Letter 1656-E, filed October 30, 2002)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

42 Res E-3893 - San Diego Gas & Electric Company (SDG&E).

[3952]

SDG&E seeks approval to transfer Federal Energy Regulatory Commission - jurisdictional approved settlement refunds to specific procurement related accounts. Approved, as modified. (Advice Letter 1601-E, filed July 19, 2004)

Outcome Held (11/19/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

43 Res E-3894 - Southern California Edison Company (SCE).

[3953]

SCE seeks approval to transfer Federal Energy Regulatory Commission - jurisdictional approved settlement refunds to specific procurement related accounts. Approved, as modified. (Advice Letter 1811-E, filed July 23, 2004)

Outcome Held (11/19/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

44 Res E-3897 - Southern California Edison Company (SCE).

[3961]

SCE submits revisions to the Reliability Services Balancing Account Adjustment rates pursuant to the Federal Regulatory Commission approval of these rates in Docket ER04-1176-000. (Advice Letter 1830-E, filed October 7, 2004)

Outcome Held (11/19/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunication Orders
45 A00-12-015 - California Association of Competitive Telecommunications Carriers.

[3530]

This decision approves in part the Competitive Local Exchange Carriers' request for advice letter treatment of Sections 851 through 854 matters. This proceeding is closed.

(Comr Lynch - ALJ Galvin)

Agenda 3135, Item 6 6/9/2004 (Kennedy);

Agenda 3136, Item 3 7/8/2004 (Kennedy);

Agenda 3138, Item 35 9/2/2004 (Peevey);

Agenda 3140, Item 25 10/7/2004 (Peevey)

Outcome Signed (Comr. Kennedy will file a concurrence.)

D04-10-038

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

45a ALTERNATE TO ITEM 3530

[3959]

This alternate draft decision approves the Competitive Local Exchange Carriers' request for advice letter treatment of transactions pursuant to Sections 851 through 854, other than those described in Section 854(b) and (c). It also approves advice letter treatment of these transactions for Incumbent Local Exchange Carriers.

(Comr Kennedy)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

46 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.

[3764]

I95-04-044 - Related matters. This decision addresses the approval and implementation of batch hot cut processes and related pricing applicable to SBC California and Verizon California, Inc. These findings are the result of the workshops and evidentiary hearings conducted pursuant to the Federal Communications Commission Triennial Review Order, adopted on February 20, 2003.

(Comr Kennedy - ALJ Pulsifer)

Agenda 3138, Item 37 9/2/2004 (Staff);

Agenda 3139, Item 47 9/23/2004 (Peevey);

Agenda 3140, Item 26 10/7/2004 (Brown)

Outcome Held (12/2/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunication Resolutions and Reports**47**

[3852]

Res T-16874 - AT&T Communications of California, Inc. (AT&T).

This resolution grants Carrier of Last Resort status to AT&T in Verizon's service territory; denies AT&T's request to file for California High Cost Fund-B subsidy in Verizon's service territory based on UNE-P without a Commission directive; denies AT&T's request for exemption from the Customer Primary Line certification requirements of Resolution T-16018. The resolution orders Telecommunications Division to inform AT&T of status of its remittances to the Commission; recommend suitable penalties for violation of Resolution T-16018; and design and maintain a data base with input from utilities to identify duplicate claims in overlapping service territories.

Agenda 3139, Item 49 9/23/2004 (Staff);

Agenda 3140, Item 28 10/7/2004 (Staff)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Water/Sewer Orders**48**

[3789]

R97-10-049 - Commission Order Instituting Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.

This decision denies the petition of the California Water Association to modify D03-04-028. This proceeding is closed.

(Comr Kennedy - ALJ Bushey)

Agenda 3138, Item 41 9/2/2004 (Kennedy);

Agenda 3140, Item 31 10/7/2004 (Peevey)

Outcome Held (11/19/04. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Legal Division Matters

49

Res L-312

[3841]

This resolution approves new confidentiality provisions for exempt wholesale generators, and replaces confidentiality language in Resolution L-293.

Agenda 3139, Item 51 9/23/2004 (Staff)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports

50

[3976]

President Peevey Report

Discussion and action on proposal to modify the Agenda Policies and Guidelines to reduce the number of times a matter may be held by a Commissioner.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey)

No: (Wood)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions**51**

[3964]

Executive Director Steve Larson Report

Presentation of the first semi-annual report of the Pacific Forest and Watershed Lands Stewardship Council. Created through the Pacific Gas and Electric Company bankruptcy settlement, this non-profit environmental council advises PG&E on the settlement agreement's requirement to donate lands or grant conservation easements to preserve and/or enhance environmentally beneficial use and access by the public to 140,000 acres associated with PG&E's hydroelectric facilities.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal

- 53** **C98-04-004 - Conference with Legal Counsel - Application for Rehearing**
 [3601] C98-06-003; C98-06-027; C98-06-049; I90-02-047 - Related matters. Disposition of Applications for Rehearing of D03-11-021 filed by The Latino Issues Forum (LIF), The Utility Reform Network, and SBC California. On November 13, 2003, the Commission issued D03-11-021, awarding intervenor compensation to The Greenlining Institute and LIF for its contribution to D01-09-058.
 Agenda 3136, Item 97 7/8/2004 (Staff);
 Agenda 3137, Item 97 8/19/2004 (Staff);
 Agenda 3138, Item 48 9/2/2004 (Staff);
 Agenda 3139, Item 53 9/23/2004 (Staff)
 Outcome Held (11/19/04.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 54** **I04-04-024 - Conference with Legal Counsel – Application for Rehearing**
 [3818] Disposition of Application of Sound Energy Solutions for Rehearing of I04-04-024. The Order institutes an investigation into the proposal of SES filed with the Federal Energy Regulatory Commission to construct a liquefied natural gas terminal in Long Beach, California.
 Agenda 3138, Item 54 9/2/2004 (Staff);
 Agenda 3140, Item 36 10/7/2004 (Staff)
 Outcome Signed
 D04-10-039
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)

55

[3895]

R03-09-006 - Conference with Legal Counsel – Application for Rehearing

Disposition of the application for rehearing of D04-04-038 filed by AT&T Wireless Services of California, LLC, Pacific Bell Wireless, LLC dba Cingular Wireless, Nextell of California, Inc, Sprint Spectrum L.P. dba Sprint, Omnipoint Communications, Inc. dba T-Mobile, and Verizon Wireless (collectively 'Wireless Carriers'). D04-04-038 resolved petitions to modify R03-09-006 and motions that sought to change the named respondents to this proceeding. D04-04-038 also granted motions for confidentiality filed by several utilities.

Agenda 3139, Item 59 9/23/2004 (Staff);

Agenda 3140, Item 39 10/7/2004 (Peevey)

Outcome Held (11/19/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

56

[3965]

R01-09-001 - Conference with Legal Counsel – Application for Rehearing

I01-09-002 - Related matters. Disposition of Application for Rehearing of D04-07-036 and Motion For Stay Of Ordering Paragraph 14 of D04-07-036, filed by SBC California. On July 8, 2004, the Commission issued D04-07-036 granting limited rehearing of D03-10-088, an interim opinion regarding NRF Phase 2B Service Quality issues in regard to the former Pacific Bell (now SBC California) and Verizon.

Outcome Held (11/19/04.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

57

[3966]

C03-05-023 - Conference with Legal Counsel – Application for Rehearing

Disposes of the application for rehearing of D04-05-006 filed by Raw Bandwidth Communications, Inc. D04-05-006 determined that SBC California and SBC Advanced Solutions, Inc. did not unreasonably discriminate or violate applicable law by connecting SBC Information Services (SBCIS) customers who dial 611 for digital subscriber line repair services to SBCIS, while telling customers of unaffiliated internet service providers (ISP) to hang up and call their ISP.

Outcome Held (11/19/04. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

58

[3969]

C01-06-008 - Conference with Legal Counsel –Applications for Rehearing

Disposition of Application for Rehearing of D04-05-056 filed by Western Manufactured Housing Community Association and Knollwood Mobilehome Estates, Ltd. (“Knollwood”). D04-05-056 directed Knollwood to remove \$95,345 in trenching costs from the rent increase authorized by the Yucaipa Rent Review Commission because these costs were directly related to gas and electric submetered system improvements for which Knollwood had already been compensated via the submetering discount provided by Public Utilities Code Section 739.5.

Outcome Signed

D04-10-040

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)